App. F. IX-4

1930-31

Previous References
P.P. 19-30-16 Pt. 1 (Cmptl. Col. Pt. 2 of 1930-31)

(P.P)

File No. 37/30

Serial No. 28

Later References
P.P. 42-40 (1-3)

P.13

General and Revenue Secretariat.

Serial No. 28

Part B for June 1931

SUBJECT.

Supply of proscribed publications to the India Office and the British Museum.

Serial No.

From the Secy to the Resident
Letter No 4079 / 185 of 31 dy 6.6.31.
Forwards copies of correspondence
with the Govt of India re the
supply of prescribed publications
to the India Office & the British
Museum & requests that 2 copies
of all the publications prescribed
so far & those that will be
prescribed hereafter by this Govt
may be sent — one copy for
record in this office one to being
sent to the India Office —

There is no provision in our
Criminal Procedure Code corresponding
to Section 99 A to G of the
Br Cr Procedure Code, under
which certain publications are
prescribed in Br India. (Copies
of Notifications received from the
Residency is put up for reference)

G

(2) Kind attention is invited
(vide para 2)
A the opinion of the Law Secretary
re taking action against the
publication of objectionable leaflets
in this state. Submd for orders.

3 The Residency may, if approved, be
informed of the position as in para 1.

NOTE—Contn. Sheet

WP 02553—50,000—GPB—8-7 30

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13/6/31
(GR) Chiefs (4) Rly 13/6/31
Rly 16/6/31 16/6/31

PP File No. 37 of 193 a

General and Revenue Secretariat

(Draft Submd.
Ley
16/6/37
Airy)

May perhaps be perused by Lawley also.

The letter may perhaps issue.
Ray
16/6/37

(Chief Secy)

CHIEF SECRT
16 JUNE 1937
Dept (Home) 1937
A/Sec 810
Rec'd 19.6.37

It is no doubt true that there is no provision in our Criminal Procedure Code corresponding to Sec 99A & C of the British Indian Act, empowering Local Govts to forfeit & seize publications containing seditious matter. But it cannot be said that there is no law in force in regard for prescribing publications. For instance under section 4 and 7 of the Newspapers Regulation III of 1908, any printed word containing public news or comments on public news, may under certain circumstances be forfeited to Govt. Again under Sec 39 of the Police Regulation, magistrates may pass orders prohibiting the exhibition or publication of "objects or things", books may come under this, which are likely to excite feelings as are mentioned in the section and when such an order is likely to be disobeyed, under sec 51, any Police officer may seize the offensive object

ml
19/6

5936/30 P.

3987

App. F. III—2]

General and Revenue Secretariat | File No. | of 193 .

Serial No.

394
Land

and obtain orders of magistrates thereon, who may either forfeit or destroy the thing. Even the Supreme Criminal Procedure Code in sec 521 empowers the Court to order the destruction of libellous and other matter.

In these circumstances, the draft proposed appears to require modification.

(Chief Secy) DNP 24/6

OHC 24 June 1931

It is not necessary to take any action or send a reply to the Reuters. The papers may be filed

In person

(Second Member) DNP 25/6/31

DNP 25/6

ku 26/6/31

DNP 26/6/31

Ram 26/6/31.

OFFICE OF THE SECOND MEMBER OF COUNCIL
25 JUNE 1931
No. 11152

This is to be filed in the P.P. Section

DNP 26/6

NOTE—Contn. Sheet.

Pol. 1474

8-3987

PP 27-30-28

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 4079 Enc. 2
185 of 1931.

From

Captain J. Kirkbride,

SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 6th June, 1931.

PS/D/631.

Subject.

Supply of proscribed publications to the India Office and the British Museum.

Sir,

I am directed to forward, for the information of the Government of Mysore, a copy each of the papers noted in the margin, and to request that, if there is no objection, three copies of all publications of the nature described in the correspondence that may have already been proscribed or may hereafter be proscribed under the law in force in the Mysore State, may kindly be forwarded to this office, two copies for transmission to the India Office and one for retention in this office.

1. Letter from the Government of India in the Department of Education, Nos.146-157, dated the 29th April, 1915, with enclosures.
2. Letter from the Government of India in the Department of Education, Health and Lands, No.639-Edn., dated the 18th/25th March, 1931.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

vdv.

Letter No.639-Edn., dated the 18/25th March, 1931, from the Secretary to the Government of India, Department of Education, Health and Lands, New Delhi, to all Local Governments and Administrations of Coorg, etc.,

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Supply of proscribed publications to the India Office and the British Museum.

I am directed to refer to the late Department of Education circular letter No.146-167(Books), dated the 29th April, 1915, and to say that it has been brought to the notice of the Government of India that some misunderstanding appears to have arisen with regard to the carrying out of the instructions issued therein relating to the supply to the India Office of two copies of all publications proscribed under the Indian Press Act, 1910, for preservation there and in the British Museum, London. When the letter referred to above was issued it was intended that two copies not only of publications which had up till then been proscribed but also of those which might be proscribed thereafter should be supplied. Some of the local Governments, however, appear to have interpreted the instructions as applying only to publications which had already been proscribed and one consignment only of proscribed publications has been received by the India Office from them.

2. The British Museum have now strongly reiterated their desire to be supplied with one copy of all proscribed publications, which they regard as of high value for historical purposes, on the understanding that they will be withheld from the public for such time as the Indian authorities think fit. The India Office also considers it desirable that a set should be maintained in that office also, where they would be subject to similar restrictions. I am therefore to request that, in addition to the supply to the India Office of all available

publications

publications proscribed in future, two copies of those already proscribed but not yet sent to that office, may be forwarded to it as soon as possible.

" C O P Y "

Superintendent, Resident's Office.

vdv.

No.146-157.

From

Kunwar Maharaj Singh, M.A., Bar-at-Law,
Assistant Secretary to the Government of India.

To

The Chief Commissioner of Coorg.

Simla, the 29th April, 1915.

Department of Education.
(Books)

Sir,

I am directed to forward for information a copy of correspondence with the Secretary of State regarding the supply to the India Office Library and the British Museum of copies of publications proscribed under the Indian Press Act I of 1910 and to request that the instructions contained in the Secretary of State's despatch No.1 Public (Records), dated the 22nd January 1915, may be carried out.

1. Despatch from the Secretary of State No.1 Public (Records), dated the 22nd January 1915, and enclosures.
2. Letter to the Under Secretary of State for India, no.21, dated the 29th April, 1915.

2. I am to suggest in this connection that when a particular publication is proscribed after its supply to the India Office or the British Museum an intimation to this effect should be sent to the indenting authority.

I have the honour to be,
Sir,
Your most obedient servant,

MAHARAJ SINGH,

Assistant Secretary to the Government of India.

No.158.

Copy forwarded to the Foreign and Political Department for such action as may be considered necessary.

By order,

MAHARAJ SINGH,

Assistant Secretary to the Government of India.

India Office, London,

Public (Records),
No.1.

22nd January, 1915.

To His Excellency the Right Honourable the Governor General of India in Council.

My Lord,

On receipt of the letter from the Secretary to Your Excellency's Government in the Home Department, No.1773, Political, dated the 8th October 1914, regarding the supply to the British Museum and to the Library of this Office of copies of publications which have been proscribed under the Indian Press Act, 1910, I caused an enquiry on the subject to be addressed to the Director of the British Museum. From the accompanying copy of correspondence* it will be seen that the Trustees consider it desirable that copies of such publications should be placed in the Museum, subject to the condition that they will be withheld from the public for such time as the Indian authorities think fit, and that I have expressed my concurrence in this view. The same practice should be followed with regard to the India Office Library; and I accordingly request that instructions may be given to Local Governments for two copies of all publications proscribed under the Indian Press Act, 1910, to be forwarded to this Office, one for transmission to the British Museum and one for retention here, where the restrictions imposed on the former Institution will also be observed. Consignments should be sent separately from other books, at such intervals as may be convenient, and the nature of the books should be clearly shown in the packages. The first consignment should include copies, so far as they may be available, of all books proscribed since the Act of 1910 came into force.

Books proscribed under the Indian Press Act, 1910. Preservation of copies in the British Museum and the India Office Library.

*To British Museum, dated 30th November, 1914.
From -do- dated 14th December, 1914.
To -do- dated 21st January, 1915.

I have etc.,

CREWE.

ENCLOSURES.

ENCLOSURE No.1:- India Office to British Museum.

R. and R. 2879.

India Office,
30th November, 1914.

Sir,

I am directed to enclose herewith a copy of a letter* from the Government of India regarding the supply to the British Museum of copies of publications which have been proscribed under the Indian Press Act, 1910, and to say that the Secretary of State would be glad to receive any observations that you may desire to offer thereon.

* Home (Political) No.1773, dated the 8th October, 1914.

I have, etc.,

William Foster.

The Director and Principal Librarian,
British Museum.

ENCLOSURE No.2:- British Museum to India Office.

British Museum, London, W.C.,
14th December 1914.

Sir,

I am directed by the Trustees of the British Museum to acknowledge the receipt of Mr. Foster's letter of the 30th November, enclosing a letter from the Government of India, proposing that in future copies of proscribed publications should not be sent to the India Office or the British Museum. The trustees would regret the enforcement of such a rule. For historical purposes in the future it is desirable that copies of such publications should be preserved, and should eventually be accessible to students in England as well as in India. For the present, and for such time as the Government of India may think fit, they would be withheld from the public, and would be placed under the restrictions which are applied in the case of books published in England and subsequently withdrawn from circulation by order of a Court of Law. It may however, be of considerable importance in the future that copies of such books should exist, and the Trustees would accordingly deprecate the course proposed as likely to be injurious to the interests of history, and perhaps of administration in the future.

They

They would rather suggest that, when publications are proscribed, copies should be impounded for preservation, under such restrictions, as may be considered necessary, at the British Museum and such other places as may be thought suitable.

The Under Secretary of State
for India.

I am, etc.,

F.G. Kenyon.

ENCLOSURE No.3:- India Office to British Museum.
R. and R. 3336.

India Office,
21st January, 1915.

Sir,

In reply to your letter of 14th December, 1914, I am directed to inform you that the Secretary of State for India in Council concurs in the opinion expressed therein regarding the advisability of preserving in this country copies of Indian publications proscribed under the Indian Press Act of 1910. The Government of India will accordingly be requested to issue instructions for two copies of all such publications to be forwarded to this Office, one for preservation in the Library here, and the other for transmission to the British Museum, it being a condition that access to thebooks shall not be allowed to the public without the previous consent of the Secretary of State in Council.

I am, etc.,

Lionel Abrahams.

The Director and Principal Librarian,
British Museum.

No.

No.21 of 1915.

Government of India.

Department of Education.

General.
Books.

To

Sir T. W. Holderness, K.C.B., K.C.S.I.,

His Majesty's Under Secretary of State for India.

Simla, the 29th April, 1915.

Sir,

With reference to the despatch from His Majesty's Secretary of State for India, No.1-Public (Records), dated the 22nd January 1915, regarding the supply to the Library of the India Office and the British Museum of copies of publications proscribed under the Indian Press Act I of 1910, I am directed to enclose for His Lordship's information a copy of a circular letter which has been addressed to the local Governments and Administrations on the subject.

The Government of India prefer to leave the precise period for which proscribed publications should be withheld from the public to be determined by the Secretary of State.

I have the honour to be,
Sir,
Your most obedient servant,

L. C. PORTER,

Secretary to the Government of India

No.159.

Copy of correspondence forwarded to the Home Department for information.

By order,

MAHARAJ SINGH,

Assistant Secretary to the Government of India.

" C O P Y"

Superintendent, Resident's Office.----------

Appendix F G–1]

SUBJECT

Section PP

File No. 37-30

Serial No.

Diary No. of letter replied to 3987

No.

To

The Secy to the Resident

Subject

Supply of proscribed publications to the India Office and the British Museum

Sir

With reference to your letter no 4079-1185 of 1931 dated 6th June 1931 requesting that two copies of all publications proscribed or may hereafter be proscribed under the law in force in this State may be forwarded for transmission to the India Office, I am directed to

General and Revenue Secretariat

( )

the 193.

Date of issue

Signed by

List of enclosures

Copied by

Examined by

State that there is
no provision of the
Law in force in this
State as in British India
State for prosecuting
[redacted] publications -

I have etc

Ray
16/6/37 -
In charge